

### **REMARKS**

Applicant gratefully acknowledges the Examiner's finding of the allowable condition of Claims 9-12. Applicant further gratefully acknowledges the Examiner's finding of the allowable conditions of Claims 5-8 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **I. Specification**

In the Office Action, the Examiner has objected to the specification because of certain grammatical errors. The Examiner further contends that certain terms used in the Claims do not have proper antecedent basis in the specification.

Applicant has amended the specification to correct the grammatical errors in accordance with the Examiner's suggestions. With regards to the terms "writing pad", "non slick pad" and "channeling", Applicant respectfully submit that these terms are disclosed in the specification. In the specification on page 5, line 3, Applicant discloses that the writing aid 10 of the present invention is comprised of a writing platform 20 and a writing instrument 30. Applicant has used the term writing platform and writing pad interchangeably. In the specification on page 6, line 12, Applicant discloses a non-slip layer 28. Applicant has used the term non-slip layer and non-slick pad interchangeably. In the specification on Page 6, line 24-25, Applicant discloses that the

upper and lower body sections of the writing instruments are hollow in order to house a ballpoint pen ink refill cartridge 36. Applicant respectfully submit that the hollow interior of the upper and lower body sections form a channeling as claimed in Claims 5 and 9. Thus, Applicant respectfully submits that the objection to the Specification have been effectively traversed. Such action is earnestly solicited.

## **II. Claim Objection**

In the Office Action, the Examiner has objected to Claims 6 and 9 due to certain informalities. Applicant has amended Claims 6 and 9 in accordance with the Examiner's instructions. Thus, Applicant respectfully submit that the Examiner's objection to Claims 6 and 9 have been effectively traversed. Such action is earnestly solicited.

## **II. 35 U.S.C. § 102(b)**

In the Office Action, the Examiner has rejected Claims 1-4 under 35 U.S.C. § 102(b) as allegedly being anticipated by Brass, U.S. Patent 3,373,509.

Applicant respectfully disagrees with the Examiner's conclusion. However, in order to expedite prosecution of the subject patent application, Applicant has amended Claim 1 to include the language of Claim 5. Thus, Claim 1 is now Claim 5 in independent form. Since the Examiner has indicated the allowable condition of Claim 5, Applicant respectfully submit that Claim 1

and all claims based on Claim 1 are now in condition for allowance.

Such action is earnestly solicited.

### III. Conclusion

Applicant respectfully submit that Applicant's claimed invention is deserving of patent protection because it describes a useful and functioning apparatus which is patentably distinguishable over the prior art.

In conclusion, Applicants respectfully submit that this Amendment Letter, including the amendments to the Claims, and in view of the Remarks offered in conjunction therewith, are fully responsive to all aspects of the objections and rejections tendered by the Examiner in the Office Action. Applicants respectfully submit that he has persuasively demonstrated that the above-identified Patent Application, including Claims 1-4, 6-12 are in condition for allowance. Such action is earnestly solicited.

If the foregoing does not place the case in condition for immediate allowance, the Examiner is respectfully requested to contact the undersigned for purposes of a telephone interview.

If there are any fees incurred by this Amendment Letter, please deduct them from our Deposit Account NO. 23-0830.

Respectfully submitted,



Jeffrey D. Moy  
Reg. No. 39,307  
Attorney for Applicants

Weiss, Moy & Harris, P.C.  
4204 N. Brown Ave.  
Scottsdale, AZ 85251  
(480) 994-8888 (Phone)  
(480) 947-2663 (Fax)

JDM/wp